

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

: Hon.

v.

RECEIVED

: Criminal No. 14-

679 (MLC)

BRIAN KAPALIN

DEC - 3 2014

: 18 U.S.C. § 371

AT 8:30 _____ M
WILLIAM T. WALSH CLERK

INFORMATION

The defendant having waived in open court prosecution by indictment, the United States Attorney for the District of New Jersey charges:

Introduction

1. At certain times relevant to this Information:

a. Defendant BRIAN KAPALIN was an attorney licensed to practice law in the State of New Jersey.

b. Vladimir Sauzereseteo ("Sauzereseteo"), a co-conspirator not named as a defendant herein, resided in East Orange, New Jersey.

c. M.S., a co-conspirator not named as a defendant herein, was a federal pretrial detainee at the Essex County Correctional Facility ("Essex County Jail") and the Hudson County Correctional Facility. M.S. had been charged by federal criminal complaint with the illegal possession of a firearm.

d. The Essex County Jail was a facility in New Jersey that held federal pretrial detainees by direction of, or pursuant

to, a contract or agreement with the United States Attorney General.

e. There was a cooperating witness ("CW-1") incarcerated at the Essex County Jail.

f. There was a second cooperating witness ("CW-2") who was not incarcerated.

The Conspiracy

2. From in or about August 2013 through in or about May 2014, in Essex County, in the District of New Jersey, defendant

BRIAN KAPALIN

did knowingly and intentionally conspire and agree with Sauzereseteo, M.S., and others to commit offenses against the United States, namely providing prohibited objects to an inmate of a prison, including marijuana and tobacco, and an inmate of a prison obtaining and possessing such prohibited objects, contrary to Title 18, United States Code, Sections 1791(a), (b)(3), and (d)(1)(B).

Object of the Conspiracy

3. The object of the conspiracy was to smuggle contraband, including marijuana and tobacco, into the Essex County Jail.

Manner and Means of the Conspiracy

4. It was part of the conspiracy that:

a. Defendant BRIAN KAPALIN received marijuana and tobacco from Sauzereseteo for delivery to M.S. and other inmates at the Essex County Jail.

b. Defendant BRIAN KAPALIN received cash payments from Sauzereseteo for KAPALIN's assistance in smuggling contraband into the Essex County Jail.

c. Defendant BRIAN KAPALIN smuggled the contraband into the Essex County Jail and used an attorney visiting room to deliver it to inmates, including M.S.

d. M.S. sold the marijuana and tobacco to other inmates at the Essex County Jail and accepted payments from those inmates via Western Union money transfers.

e. Sauzereseteo collected the Western Union money transfers sent on behalf of inmates at the Essex County Jail who ordered marijuana and tobacco from M.S.

Overt Acts

5. In furtherance of the conspiracy and in order to effect the object thereof, defendant BRIAN KAPALIN and his co-conspirators committed and caused to be committed the following overt acts, among others, in the District of New Jersey and elsewhere:

a. On or about January 6, 2014, Sauzereseteo indicated to CW-2 that Ssuzereseteo would smuggle marijuana and tobacco into the Essex County Jail by paying defendant BRIAN KAPALIN to deliver the marijuana and tobacco to CW-1.

b. On or about January 7, 2014, defendant BRIAN KAPALIN spoke with M.S. on the telephone and, at M.S.'s request, agreed to

meet CW-1 inside the Essex County Jail to discuss the delivery of marijuana.

c. On or about January 13, 2014, Sauzereseteo received \$1,650 in Western Union payments from CW-2 in order to purchase marijuana and to pay defendant BRIAN KAPALIN to deliver the marijuana to CW-1.

d. On or about January 16, 2014, defendant BRIAN KAPALIN received a package of contraband, containing marijuana and tobacco, and a cash payment from Sauzereseteo, to deliver the package to CW-1 inside the Essex County Jail.

e. On or about January 26, 2014, defendant BRIAN KAPALIN entered an attorney visiting room at the Essex County Jail in Newark, New Jersey, and delivered the package containing marijuana and tobacco to CW-1.

f. During the meeting with CW-1, KAPALIN indicated that he would smuggle future packages of contraband to CW-1, inside the Essex County Jail, in exchange for \$1,000 per package.

In violation of Title 18, United States Code, Section 371.

Paul J. Fishman/rah
PAUL J. FISHMAN
United States Attorney

CASE NUMBER: 14-

United States District Court
District of New Jersey

UNITED STATES OF AMERICA

v.

BRIAN KAPALIN

INFORMATION FOR

18 U.S.C. § 371

PAUL J. FISHMAN

U.S. ATTORNEY

NEWARK, NEW JERSEY

RAHUL AGARWAL

ROBERT FRAZER

ASSISTANT U.S. ATTORNEYS

(973) 297-4395

(973) 645-2897